IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI.W.P.NO.763 OF 2006

Shivaji Tukaram Kolekar ..Petitioner
Vs.
The State of Maharashtra
& Ors. ..Respondents

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Mr.Arfan Sait Advocate (appointed) for Petitioner
Smt.V.R.Bhosale, A.P.P. for State

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CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.
DATE : APRIL 10,2006

ORDER ORDER : (PER SMT. V.K.TAHILRAMANI,J):

1. Heard learned advocate for the petitioner and learned A.P.P. for the State. Rule. By consent, rule is heard forthwith.

2. The petitioner had preferred application for furlough. The said application for furlough came to be rejected on the ground that the witnesses are residing at Kharewadi where the petitioner intends to spend period on furlough. It is also apprehended by the prosecution that if petitioner is released on furlough, he would threaten the witnesses. As far as this apprehension is concerned, there is no material on record that petitioner at any time, had threatened any of the witnesses. Nor any other material is pointed out

to reach such a conclusion. Thus, we find this apprehension to be unfounded. As far as the apprehension that the petitioner intends to spend the period of furlough at Kharewadi and hence, there is apprehension of the petitioner threatening the witnesses, we are of the opinion that the said apprehension can be taken care of by imposing condition on the petitioner that he shall not enter Kharewadi.

3. On the petitioner furnishing suitable surety, the petitioner be released on furlough in accordance with the usual terms and conditions. In addition thereto, the petitioner shall not enter Kharewadi, however, the petitioner shall spend his period of furlough in the State of Maharashtra. The petitioner shall inform the address at which he will reside during the period that he is on furlough. He will report to the nearest police station to that address on every alternate day during the period that he is on furlough. Rule made absolute in the above terms. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]